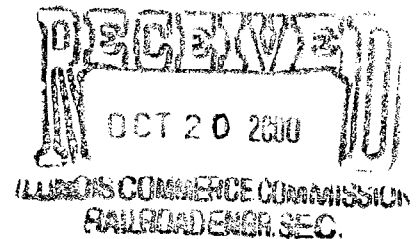


STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS DEPARTMENT OF TRANSPORTATION,)
)
Petitioner,)
)
v.)
)
UNION PACIFIC RAILROAD COMPANY,)
)
Respondent.)
)
Petition for an Order directing the Union Pacific)
Railroad repair the IL149 at Hurst-Bush at-grade)
crossing (including the highway approaches situated)
north of the City of Hurst, Williamson County, Illinois.)

Docket No. 700-0104



PETITION

Petitioner, State of Illinois, Department of Transportation ("Department"), by its attorney Jim Ryan, Illinois Attorney General, files its Petition and in support thereof states as follows:

1. That the Union Pacific Railroad Company ("UP") whose principal address is 1416 Dodge Street, Omaha, Nebraska 68179 is a rail carrier operating its lines of railroad in the State of Illinois including a certain single mainline track passing through the County of Williamson, State of Illinois north of the City of Hurst.
2. That north of the City limits, FAP Route 873 (otherwise known as IL149) is a public state highway under the jurisdiction of the Department, which crosses the aforesaid line of railroad at-grade. Said crossing is identified as DOT/FRA 431-074G.
3. That on or about April 4, 1998, UP modified the subject crossing.
4. That said modification included, among other things, adjusting the super elevation of the tracks.
5. That during this modification, UP fail to properly and adequately resurface the highway approaches, which resulted in a grade differential from highway to track of 3.8%.
6. That the work performed by UP significantly diminished the rideability at the subject at-grade crossing to the traveling public traversing this stretch of roadway, creating a highly unsatisfactory and rough ride.
7. That the work performed by UP at the subject at-grade crossing has consequently interfered with the reasonably safe use of IL149 when traveled by the general public in the usual and ordinary manner.
8. That shortly after UP completed the work at the subject at-grade crossing, the Department began receiving, and continues to receive, complaints raised by the traveling public relative to the unacceptably unsafe condition of the subject at-grade crossing.
9. That the subject at-grade crossing is a threat to the safety and convenience of the traveling public, and is in need of repair.

DOCKETED

10. That the poor and unsafe condition of the subject at-grade crossing was caused solely by the work performed by UP.

11. That the Department has developed plans to repair the existing condition of the subject at-grade crossing. Said plans were prepared in accordance with applicable State and Federal guidelines. A copy of the plans is attached hereto as Exhibit 1.

12. The repairing of the subject at-grade crossing is necessary to preserve and promote the safety and convenience of the traveling public.

13. That the UP should be solely responsible for the entire cost associated with repairing the subject at-grade crossing as proposed by the Department. A copy of the estimated costs is attached hereto as Exhibit 2.

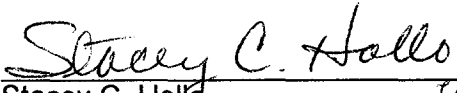
14. That the Department has attempted to negotiate an agreement with the UP but has been unsuccessful.

WHEREFORE, THE PETITIONER PRAYS that the Illinois Commerce Commission order the following:

1. That a hearing be held at the Commission's offices in Springfield, Illinois, as soon as practicable.
2. That the Union Pacific Railroad Company repair the IL149 at-grade crossing (DOT/FRA 431-074G) as proposed by the Illinois Department of Transportation.
3. That the entire cost of repairing the IL149 at-grade crossing (DOT/FRA 431-074G) be assessed solely against the Union Pacific Railroad Company.

Respectfully submitted,
ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Jim Ryan
Attorney General



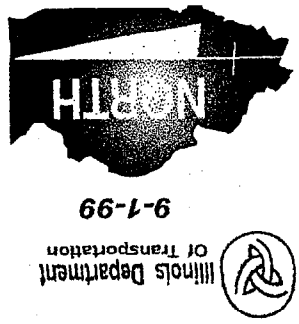
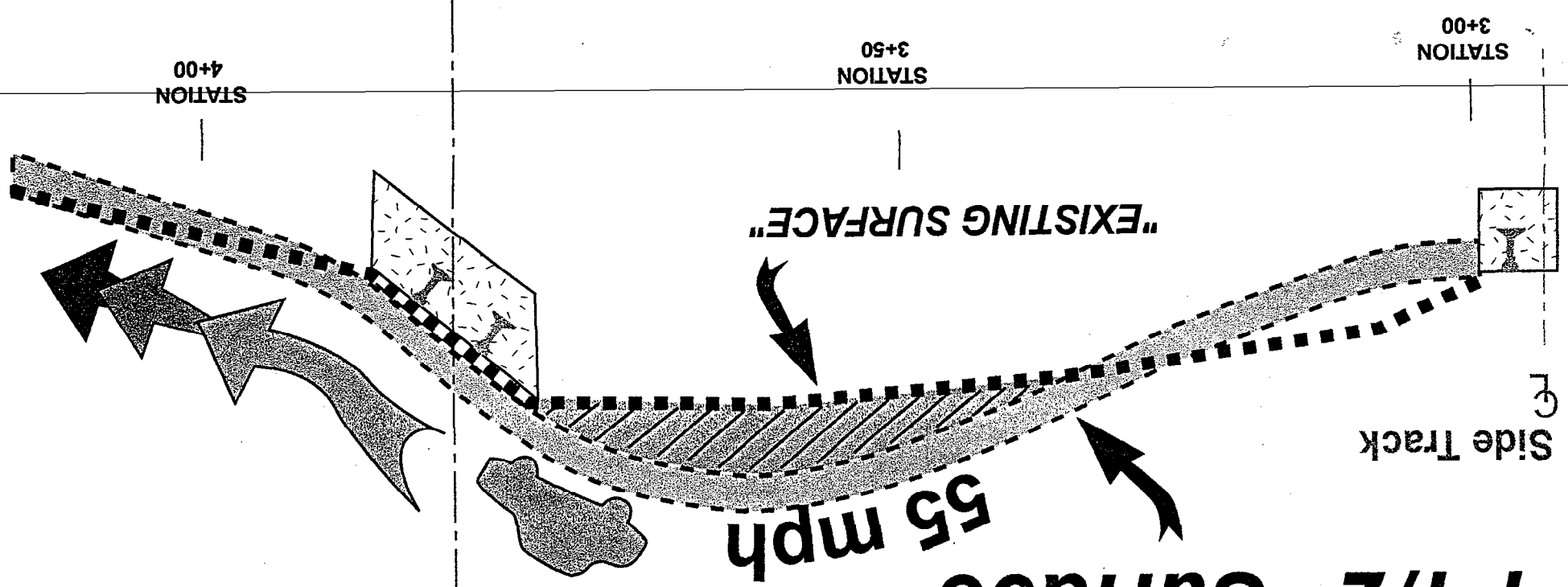
Stacey C. Hollis *JB*
Special Assistant Attorney General

Dated October 19, 2000

Illinois Department of Transportation
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
Telephone (217)782-3215

RAILROAD CROSSING in HURST BUSH, Ill. Route 149 and Union Pacific RR.

PROPOSED
1 1/2" Surface
55 mph



9-1-99

NORTH

STATION 4+00

STATION 3+50

STATION 3+00



Illinois Department of Transportation

Memorandum

To: Leroy Coleman - UPRR

From: Mike Braun

Subject: FAP 873 (Il. Rte. 149) BUSH, Il.
DOT / AAR # 471-074G
MP 314.8
Williamson Co.

Date: March 1, 1999

Estimate For Resurfacing of Il. Rte 149 @ Hurst-Bush Crossing:

1. 1 1/2" Bituminous Surface	27.5 tn	100.00 \$/tn	\$2,750.00
2. Bituminous Binder -Variable Depth (0" to 3 5/8")	15.5 tn	100.00 \$/tn	\$1,550.00
3. Milling -Variable Depth (0" to 3 5/8" & 2-Butt Joints)		L.S.	\$2,500.00
4. Aggregate Shoulders	13.0 tn	25.00 \$/tn	\$325.00
5. Temporary Run-A-Round	273 tn	L.S.	\$2,730.00
6. Traffic Control (4-5 Days)		L.S.	<u>\$2,500.00</u>
		Total	\$12,355.00

* Quantities calculated on a 2 1/2" track grade raise on the mainline track (by UPRR) - same superelevation in rails.

UPRR5

EXHIBIT # 2

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the addressees listed below by mailing a true and correct copy via first class mail, postage pre-paid and depositing the same in the United States Mail, Springfield, Illinois, this 19th day of October, 2000:

Stacy C. Hall

Mr. Mack Shumate
Union Pacific Railroad
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606

Mr. Roy Farwell
Union Pacific Railroad
210 North 13th Rm 2000
St. Louis, MO 63103

Janice Shirley
City Clerk
111 N. Bush Ave.
Hurst, IL 62949

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS DEPARTMENT OF TRANSPORTATION,)

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Respondent.)

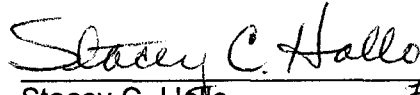
Petition for an Order directing the Union Pacific
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crossing (including the highway approaches situated
north of the City of Hurst, Williamson County, Illinois.)

Docket No.

NOTICE OF FILING

TO: Mr. Mack Shumate, UP
Mr. Roy Farwell, UP
Janice Shirely, City Clerk

PLEASE TAKE NOTICE that I have this 19th day of October, 2000,
forwarded to Mr. Kevin Sharpe, Director of Processing, Transportation Division, of
the Illinois Commerce Commission, Springfield, Illinois, for filing in the above
matter, a Petition, a copy of which is attached hereto and hereby served upon
you.



Stacey C. Holo
Special Assistant Attorney General
2300 South Dirksen Parkway
Room 311
Springfield, Illinois 62764
(217) 782-3215

Counsel for the Illinois
Department of Transportation